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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 DFR APPAREL CO., INC.,

11 Plaintiff,

12 v.

13 TRIPLE SEVEN PROMOTIONAL
14 PRODUCTS, INC., *et al.*,

15 Defendants.

Case No. 2:11-CV-01406-KJD-CWH

ORDER

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17 Presently before the Court is Plaintiff's Motion for Leave to File Out of Time (#14).
18 Defendant filed a response in opposition (#15) to which Plaintiff replied (#16). Plaintiff seek an
19 extension of time in which to file a late response to Defendants' motion to dismiss. Plaintiff asserts
20 that he mis-calendared the date the opposition was due and then had a competing "emergency"
21 arbitration issue. Plaintiff effectively moved for leave to file the opposition twelve to fifteen days
22 late.

23 Federal Rule of Civil Procedure 6 (b) allows a court to accept a late filing when the failure to
24 act timely is the result of excusable neglect. Late filings caused by inadvertence, mistake or
25 carelessness are permitted under the Rule with approval of the court. See Pioneer Inv. Servs. Co. v.
26 Brunswick Assocs. Ltd. Partnership, 507 U.S. 380, 388 (1993). Here, Plaintiff has met his burden in

1 showing excusable neglect. Furthermore, Defendants will not be prejudiced by allowing Plaintiff to
2 file the document late.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Out of
4 Time (#14) is **GRANTED**;

5 IT IS FURTHER ORDERED that Plaintiff file its opposition within seven (7) days of the
6 entry of this order.

7 DATED this 17th day of April 2012.

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11 Kent J. Dawson
12 United States District Judge
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